

APPROVED: Meeting No. 43-87

ATTEST:

Helen McKeenaghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 41-87

October 26, 1987

The Mayor and Council of Rockville, Maryland, convened in Executive Session in the City Manager's Conference Room, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville Maryland, on Monday, October 26, 1987, at 7:30 p.m. for consultation with legal counsel.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman James Coyle

ABSENT

Councilman Hartogensis

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 7:55 p.m.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, October 26, 1987, at 8:00 p.m.

PRESENT

Mayor Steven Van Grack

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman James Coyle

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ABSENT

Councilman Hartogensis

In attendance: City Clerk Helen Heneghan, City Attorney Paul Glasgow, and Acting City Manager Donald Vandrey.

Re: Invocation

The invocation was delivered by Reverend Mansfield Kaseman, of the United Church Center for Community Ministries.

Re: City Manager's Report

Acting City Manager Donald Vandrey reported the following:

1. Richard Robinson, City Manager, is in Montreal attending the annual meeting of the ICMA.
2. City staff met today with representatives of Christ Episcopal School who are concerned with the storm water management construction in the neighborhood of the school's playground. Although the staff talked to representatives of the church, they did not work with school parents during the planning stage. Other meetings will be held. The parents were reassured when they learned of the permanent fence and landscaping.
3. Mary Parker, Finance Director, has been elected president of the Government Finance Officers Association.
4. Larger "No Smoking" signs have been placed in the Lobby of City Hall. City staff is asking for citizen participation.
5. Rick Kuckkhan, Planning Director, should complete his testimony on Fortune Parc by Wednesday. At that time, citizens will begin testifying.
6. On November 14, the Recreation and Parks Department will be planning a trip to a hockey game between the Washington Capitals and the

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Minnesota North Stars. Tickets are on sale in City Hall. Regular \$17.00 tickets will be on sale for \$9.00.

Councilman Coyle noted that the neighbors whose homes are located off I-270 are appreciative of the prompt action in removing the trailers from the construction site. He asked the staff to send a letter to Mary Boergers, thanking her for her help.

Councilman Abrams noted the antique car show last week coincided with the 30th anniversary celebration of the Civic Center. The Mansion looked quite beautiful, particularly now that one of the original chandeliers has been returned to the Mansion.

Councilman Duncan expressed a special thank-you to Mr. Thompson who restored the chandelier.

Mayor Van Grack noted that 30 years ago the City paid \$125,000 to purchase the Mansion, and that is the average Rockville home price now.

Re: Mayor's Report

Mayor Van Grack reported the following:

1. Mayor Van Grack noted with sadness, the death this week of Reverend Houston Brooks, of the Mt. Calvary Baptist Church. The memorial service was very well attended on Saturday. It is a loss that will be felt by the entire City.
2. The Human Rights Commission subcommittee is working on a proposal for the hate-violence forum to be held later this year.
3. Mayor Van Grack expressed the best wishes of the City to Anita Marth, who is the Business and Professional Women's Outstanding Woman of the Year.

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Re: Council's Report

1. Councilman Coyle noted that this would be Councilman Hartogensis' last meeting if he were here tonight. He has been an excellent compatriot and councilman. Councilman Coyle wished that Councilman Hartogensis could be present tonight so that they could say thank-you personally.

2. Councilman Duncan noted that a blue 1957 Thunderbird was the winner of the Mayor and Council Award at the Antique and Classic Car Show.

Re: Proclamation to Celebrate
20th Anniversary of
Community Ministries

Proclamation No. 22-87

There being no objection from the Council, Mayor Van Grack proceeded to issue Proclamation No. 22-87 congratulating Community Ministries on its 20th anniversary. The proclamation was accepted by Reverend Kaseman and Reverend Adrienne Carr.

Mayor Van Grack noted that he had recently attended the ordination of Adrienne Carr to the ministry.

Re: Recognition of Senior
Olympians

The Mayor and Council offered their congratulations to the Senior Olympians present this evening and presented them with certificates. The following received certificates: Gus Seeger, Gerry Seeger, Bernie Shannon, Marcelino Gonzalos, Franz Maier, Lewis Rhodes, Annie Rhodes, Jim Henry, Bessie Whipp, Myrtle Baul, John Taylor, Ira Walter, Agnes Jones, Pauline Kinder and Jane Garry.

Re: Appointment

Mayor Van Grack, with the concurrence of Council, appointed James Henry to a one year term as chairman of the Senior Citizens Commission.

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Re: Citizens Forum

The Mayor opened the meeting to those citizens wishing to address the Mayor and Council:

1. Richard Arkin, Chairman of the Planning Commission, said that this past week he participated in a Maryland Citizens Planning Association conference of 250 planners on "Maryland Main Street".

There being no other citizen wishing to address the Council, the Mayor closed this portion of the meeting.

Re: Approval of SWM Waiver
#3-88, Veirs Mill Road and
First Street

This vacant 3.395 acre parcel of land is located at the intersection of Veirs Mill Road and First Street in the Cabin John drainage shed. The developer, Impara and Wire, Inc., proposes building townhouses on this site.

The construction of the townhouses and related improvements will result in 1.90 acres of impervious area. Although on-site SWM could be accomplished, it would require the construction of an underground storage facility in close proximity to some of the townhouses and the existing embankment for the CSX railroad. Excavation near this embankment is not recommended as slope stability could be undermined. Also, because of the record of poor maintenance, on-site SWM for residential development is discouraged if a regional SWM facility can handle the increased flows. Since the regional facility (South Rockville Impoundment Lake) currently under design will be able to control the increased runoff from this site, a waiver is recommended.

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Staff recommends that a waiver be granted and that a contribution of \$38,000 (1.90 impervious acres at \$20,000 per acre) be accepted for the City's regional SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed by all present, SWM Waiver #3-88 was granted by the Mayor and Council.

Re: Approval of SWM Waiver
#5-88, N. Stonestreet

This 7500 square foot lot is located on N. Stonestreet Avenue north of Frederick Avenue in the Rock Creek drainage area. The owner/developer of the property, Alvin and Mary Hebron, plans to construct a single family home on the lot.

The construction of the house and related improvements will result in 0.09 acres of impervious area. Staff does not recommend on-site methods of SWM for lots used for any individual single family home site for two reasons: (1) The SWM structures easily and frequently develop maintenance problems because they are so small; and (2) the SWM structures are located so close to the house (or other construction on the property) that there is too great a potential for water damage caused by the installation of the SWM structures.

Staff recommends that a waiver be granted and that a contribution of \$1,800.00 (0.09 impervious acres at \$20,00 per acre) be accepted toward the City's off-site SWM program.

On motion of Councilman Abrams, duly seconded and unanimously passed by all present, SWM Waiver #5-88 was granted by the Mayor and Council.

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Re: Adoption of Resolution:
To Establish a Permit
Parking District on
Barrington Fare, Eton
Overlook, and a small
portion of Hurley Avenue

Resolution No. 26-87

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, Resolution No. 26-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, establishing a permit parking district on Barrington Fare, Eton Overlook and a small portion of Hurley Avenue was adopted by the Mayor and Council.

Re: Approval of Cooperative
Purchase Agreement for Sign
Face Materials

The current requirement is for \$27,707.00 worth of sign face material. The required items are available under Montgomery County Contract 60187AA, which was extended by the County through February 1988. The State of Maryland has a current contract for several of the items.

Both contracts were obtained through competitive procurement procedures. 3M Company received award from both entities.

Staff recommends that award be made to 3M Company, under the Montgomery County Contract 60187-AA for \$27,707.00.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the Mayor and Council approved the Cooperative Purchase Agreement for Sign Face Materials to 3M Company in the amount of \$27,707.00.

Re: Award of Contract:
Improvement to Montrose
Park Building

On October 6, 1987, at 2:30 p.m., bids were opened for the Montrose Recreation Center addition. Bids were advertised in the Washington Post, the Bid-Net Reports, Construction Market Data Reports, the Blue Reports, and the F.W. Dodge Report, and were mailed out to 40 contractors. Five bids were received as follows:

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|----|--|-----------|
| 1. | Potomac Group, Inc. Germantown, MD | \$125,000 |
| 2. | David Contractors, Inc. Thurmont, MD | \$166,777 |
| 3. | Construction-Commercial, Inc. Rockville, MD | \$168,400 |
| 4. | Century Enterprises, Inc. Gaithersburg, MD | \$175,538 |
| 5. | Smith & Haines, Inc. Rockville, MD | \$177,714 |

This was the second time this calendar year that the project has been bid. The first bids were rejected due to all being over budget. The intent was to re-bid later in hopes of a more favorable construction climate that would provide lower bids. Regrettably these new bids are again over the budget of \$107,000.

Since this project is very badly needed to relieve an extremely crowded rec center, and the project is enthusiastically supported by the neighborhood, staff requests additional funds to fulfill this project. It is very important to note that must also include funds to cover a new HVAC system bid separately which is estimated at \$20,000 to \$25,000 which brings the total shortfall to \$43,000 (on the high end).

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While it does appear that \$125 ft. is exorbitant, the fact that this re-bid did not reduce the costs (original low bid was \$123,000), indicates that it is the best bid available at this time.

The additional monies that are needed for the project are available in the Capital Improvements Budget. It may mean some transfer of funds from other projects temporarily so that this item might be accomplished; however, the dollars are available and it is strongly recommended to move forward with the Montrose Recreation Center addition.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the Mayor and Council awarded the contract for

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improvement to Montrose Park building to Potomac Group, Inc. in the amount of \$125,000.

Re: Adoption of Resolution: To
Establish a new fee schedule
for zoning applications and
other applications and
permits.

Resolution No. 27-87

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, Resolution No. 27-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, establishing a new fee schedule for zoning applications and other applications and permits, was adopted by the Mayor and Council.

Re: Award of Contract:
Bid #26-88, Lease-purchase
Financing for IBM PS2/50
Microcomputers and
Ancillary Equipment

The City's Information Systems Strategic Plan called for the acquisition of 12 microcomputers and ancillary equipment during Fiscal Year 1988.

Since the last purchase was made of IBM microcomputers, IBM had changed its product line from AT's and XT's to a PS2 Series of microcomputers. After evaluating the relative capabilities of this product line, the Information Systems Steering Committee determined that the PS2/50 model would best meet the City's needs. Accordingly, a bid was prepared and released for lease-purchase financing for this model microcomputers and ancillary equipment. Six bids were received on October 13, 1987 as follows:

Leasemark

7.37 percent

| | | |
|-----------------------------------|---------------|------------------|
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| Citicorp Industrial Credit, Inc. | 8.31 percent | |
| IBM Credit Corporation | 9.5 percent | |
| FLA Leasing, Inc. | 10.66 percent | |
| National Computer Equipment Corp. | 11.3 percent | |
| B C Leasing Associates | 17 percent | |

Bidders were requested to provide financing for a three year period, with semi-annual payments in advance. The IBM Credit Corporation bid was for annual payments in advance and is therefore non-responsive.

Staff has verified that the detailed amortization schedules provided with the bids listed above do bear out the quoted interest rates.

Staff recommends an award of the lease-purchase financing contract to the low bidder, Leasemark, and conditions specified in the bid proposal.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the Mayor and Council approved Award of Bid #26-88, Lease-purchase Financing for IBM PS2/50 Microcomputers and Ancillary Equipment to Leasemark with an interest rate of 7.37.

David Mays of Information Systems answered the Mayor questions concerning the availability of software support services and warranty. Mr. Mays explained that the product is under full warranty service. Ms. Parker, Director of Finance, explained that the Council is actually bidding on the financing agreement.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the Mayor and Council approved Award of Bid #26-88, Lease-purchase Financing for IBM PS2/50 Microcomputers and Ancillary Equipment to Leasemark with an interest rate of 7.37.

Re: Resolution To Authorize the
City Manager to Extend the
Community Development Block
Grant Cooperation Agreement
with Montgomery County for
FY 88, 89, and 90

Resolution No. 28-87

On motion of Councilman Coyle, duly seconded and unanimously passed by those present, Resolution No. 28-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, to authorize the City Manager to extend the Community Development Block Grant Cooperation Agreement with Montgomery County for FY 88, 89, and 90 was adopted by the Mayor and Council.

Re: Public Hearing:
Use of Community Development
Block Grant Funds

The Mayor and Council conducted a public hearing on the use of Community Development Block Grant Funds and heard those persons as can be found in the official stenographic transcript of the hearing. There being no other citizens wishing to be heard, the Mayor declared the hearing closed with the record to be held open until November 10, 1987.

Re: Discussion and Instructions
to staff regarding the
drafting of a Rent Control
Ordinance

Mr. Ed Duffy, Community Development, reported to the Mayor and Council on a meeting held by Department Director, Douglas Horne, Housing Specialist William Dukes, Mr. Duffy, and representatives of Pollinger Company.

It was the consensus of the Council that in light of the on going discussions that are being held and the short time the ordinance limiting

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rent increases has been in effect, at the present time it will not be necessary to pursue this item. The item can continue to be deferred and the process will be given an opportunity to work.

Re: Decision on Adoption of
Resolution: To Grant
Annexation Petition,
X-101-87, Ecker and Brown
and Construction Group,
Inc., Applicants, requesting
the Mayor and Council
enlarge the corporate
boundaries of the City by
adding 10.59 acres, more or
less, at the northeast
quadrant of the intersection
of Scott Drive and Wescott
Place

Resolution No. 29-87

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, Resolution No. 29-87, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council, granting annexation petition X-101-87, enlarging the corporate boundaries by adding 10.59 acres, more or less, at the northeast quadrant of the intersection of Scott Drive and Wescott Place, was adopted by the Mayor and Council.

Councilman Abrams noted that he is supportive of the annexation and feels that it is consistent with the City's policy to annex land that is within its Maximum Expansion Limits and water and sewer use.

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Re: Decision on Introduction and Adoption of Ordinance: To Amend the Zoning Map of the City of Rockville by adding 10.59 acres of land, more or less, at the northeast quadrant of Scott Drive and Wescott Place and placement in the R-S Suburban Residential Zone

Ordinance No. 22-87

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the Council agreed that the zoning for X-101-87 should remain R-S and the subdivision plan should be reviewed by the Planning Commission since R-S in the Master Plan is the City's version of R-200 in the County. To change this, it would be necessary to show a change or mistake.

City Attorney Paul Glasgow noted that no evidence of a mistake was shown at any time. The zoning is consistent and the County has had ample time to change it.

On motion of Councilman Duncan, there was introduced upon the table an ordinance to amend the Zoning Map by adding 10.59 acres of land, more or less, at the northeast quadrant of Scott Drive and Wescott Place, and to place it in the R-S Suburban Residential Zone.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the Mayor and Council waived the one week layover period and publication requirements.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, Ordinance No. 22-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, amending the Zoning Map by adding 10.59 acres of land, more or less, at the northeast quadrant of

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Scott Drive and Wescott Place, and placing it in the R-S Suburban Residential Zone.

Councilman Duncan asked that the Planning Board information be forwarded to the Planning Commission so they may address Mr. Christeller's concerns during subdivision review.

Re: Decision on Introduction
and Adoption of Ordinance:
To Grant Text Amendment
Application, T-81-87,
Petvacx, Applicant, to
allow certain mobile public
and professional services
in the C-1 Zone

Ordinance No. 23-87

On motion of Councilman Duncan, there was introduced upon the table an ordinance granting Text Amendment Application, T-81-87, Petvacx, Applicant, to allow certain mobile public and professional services in the C-1 Zone.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present, the Mayor and Council agreed to waive the layover and publication requirements of the ordinance.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present, Ordinance No. 23-87, the full text of which can be found in Ordinance Book No. 13 of the Mayor and Council, to allow certain mobile public and professional services in the C-1 Zone, was adopted by the Mayor and Council.

Re: Introduction and Adoption of
Ordinance: To Amend Chapter
26A entitled "Rental Housing
Data Collection and
Voluntary Rent Stabilization
Guidelines" to eliminate
certain reporting

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requirements for rental
units owned and operated by
not for profit organizations

Ordinance No. 24-87

On motion of Councilman Abrams, there was introduced upon the table an ordinance to amend Chapter 26A entitled "Rental Housing Data Collection and Voluntary Rent Stabilization Guidelines" to eliminate certain reporting requirements for rental units owned and operated by not for profit organizations .

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, the one week layover and publication requirements for the ordinance were waived by the Mayor and Council.

On motion of Councilman Abrams, duly seconded and unanimously passed by those present, Ordinance No. 24-87, the full text of which is in Ordinance Book No. 13 of the Mayor and Council, to amend Chapter 26A entitled "Rental Housing Data Collection and Voluntary Rent Stabilization Guidelines" to eliminate certain reporting requirements for rental units owned and operated by not for profit organizations, was adopted by the Mayor and Council.

Re: Request from Stepping Stones
Shelter for Letter of
Endorsement

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of those present, the Mayor and Council approved the letter submitted by Stepping Stones organization asking for endorsement by the Mayor and Council.

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Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 20-87, April 29, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 21-87, May 4, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 22-87, May 6, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 23-87, May 11, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 24-87, May 13, 1987, were approved as written.

On motion of Councilman Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 25-87, May 18, 1987, were approved as written, with Councilman Duncan and Councilman Abrams abstaining, the vote being 2-0 for approval and 2 abstaining.

On motion of Councilman Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 26-87, May 20, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 27-87, May 26, 1987, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 28-87, June 1, 1987, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 29-87, June 3, 1987, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 30-87, June 8, 1987, were approved as written.

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On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 31-87, June 22, 1987, were approved as written.

On motion of Councilman Duncan, duly seconded and unanimously passed, the minutes of Meeting No. 39-87, October 12, 1987, were approved as written.

Re: New Business

1. Councilman Abrams asked that the traffic engineer look into the construction of a three-way stop sign at Watts Branch Parkway before Fallsmead Way on the Court. Councilman Duncan suggested a study be done of all of Watts Branch Parkway and Ardennes Avenue in Twinbrook because it is a Metro cut through. Councilman Coyle asked at the same time that the school crossing at Watts Branch Parkway should be moved. Council asked for a report back on the preceding requests.

2. Councilman Abrams asked if the Mayor and Council need to comment on testimony to the School Board concerning Rockville High School. Councilman Duncan asked that the draft testimony be delivered to the Mayor and Council. Councilman Abrams asked that this be placed on the November 16th agenda for approval.

3. Councilman Duncan suggested that a date be set for the public hearing on the Rockville Pike Plan. The Council agreed that Tuesday, December 8, 1987, at 7:30 p.m. would be the date for the hearing.

Re: Adjournment

There being no further business to come before the Mayor and Council in general session, the meeting was adjourned at 9:55 p.m. to convene again in general session on Monday, November 16, 1987, at 9:00 or at the call of the Mayor.